

REMARKS/ARGUMENTS

By this Amendment, the specification is amended, claim 22 is amended and Fig. 6 is amended. Claim 22 is pending and claim 23 has been canceled. Therefore, only the Examiner's rejections to claim 22 will be addressed by the Applicant.

The "RELATED APPLICATIONS" section of the specification has been amended to include the proper priority information. In particular, two priority application numbers have been replaced with their corresponding issued U.S. patent numbers.

The Examiner has stated that the application is not in compliance with the sequence rules 37 C.F.R. §1.821-1.825 because the specification fails to recite the appropriate sequence identifiers at each place where a sequence is discussed. According to the Examiner, nucleic acid sequences with 10 or more nucleotides, at least 4 of which are specifically defined, must comply with the sequence rules. A nucleotide has been removed from Figure 6 so that it complies with this rule. All of the other figures are in compliance as their proper SEQ ID NOs have been identified in the "DESCRIPTION OF THE DRAWINGS" section of the specification. Therefore, the Applicant has sufficiently responded to the Examiner's objection.

The Examiner has rejected claim 22 under 35 U.S.C. 102(b) as being anticipated by Yamamoto (a5) in view of Cooke (u5). 35 U.S.C. 102(b) states:

A person shall be entitled to a patent unless:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Applicant has amended claim 22 to include a cloned Gc1 isoform which is the most prevalent isoform of the Gc protein. It is well known to one of ordinary skill in the art that the

term "Gc protein" refers to a genetically polymorphic protein, also known as vitamin D-binding protein, thus including all variations thereof, such as Gc1 and Gc2. Applicant is interested only in a baculovirus cloned Gc1 protein, since Applicant believes that the baculovirus system would be best capable of expressing the glycosylated protein of the present invention. Thus, claim 22 has been amended to include additional limitations to cloning of the Gc1 protein via a baculovirus vector. Neither the Cooke (u5) reference nor the Yamamoto reference (a5), both of which were cited by the Examiner, describes cloning of the Gc protein by using a baculovirus vector, therefore, they do not anticipate amended claim 22. Further, there is not even a suggestion or motivation in either of the cited references to clone the Gc protein by using a baculovirus vector so it would be impossible for someone to practice the present invention based upon the teachings of the cited references. Thus, the obviousness rejection brought forth on claims with a scope similar to the present claims is no longer a valid rejection for claim 22 as amended.

The Examiner has also rejected claim 22 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the invention. Specifically, Examiner states that line 2 of claim 22 is grammatically incorrect thereby rendering the metes and bounds of the claimed invention ambiguous. Applicant has amended claim 22 to more clearly state the limitations of the claim.

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks. No new matter has been added. Entry of this Amendment is proper under 37 C.F.R. §1.116 because the Amendment places the application into condition for allowance. Applicant respectfully requests entry of the Amendment.

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Should the Examiner believe that anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Respectfully submitted,

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